

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MIGUEL ORTIZ VALENCIA, et al.

Plaintiffs,

-against-

EMPIRE STRUCTURAL GROUP, LLC, et al.,

Defendants.

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18-CV-8848 (PAE) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The parties having settled their dispute, including claims brought under the Fair Labor Standards Act (FLSA), it is hereby **ORDERED** that all deadlines previously set in this action are **VACATED**.

It is further **ORDERED** that the parties shall submit, no later than **December 20, 2019**: (a) a fully-executed copy of their written settlement agreement, which will be placed on the public docket, *see Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012); (b) a joint letter setting forth their views as to why their settlement agreement is fair and reasonable and should be approved in light of the factors enumerated in *Wolinsky*, 900 F. Supp. 2d at 335-36; and (c) counsel's time and expense records if an award of attorneys' fees and costs is requested.

The parties' submissions shall comply with the individual practices of the district judge, including § 4(C) (directing settling parties in FLSA actions to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) and *Wolinsky*, 900 F. Supp. 2d 332), unless the parties have consented to proceed before the assigned magistrate judge. If the parties do consent to the jurisdiction of the assigned magistrate judge, they are advised to **carefully** review my prior holdings concerning settlements in FLSA actions before submitting their *Cheeks* papers. *See, e.g., Lara v. Air Sea Land Shipping & Moving Inc.*, 2019 WL 6117588 (S.D.N.Y. Nov. 18, 2019); *Pinguil v. We are all Frank, Inc.*, 2018 WL 2538218 (S.D.N.Y. May 21, 2018) (Moses, M.J.); *Weng v. T&W Rest., Inc.*, 2016 WL 3566849 (S.D.N.Y. June 22, 2016) (Moses, M.J.); *Lopez v. Poko-St. Ann L.P.*, 176 F. Supp. 3d 340 (S.D.N.Y. 2016) (Moses, M.J.).

Dated: New York, New York
December 6, 2019

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge